



9-22-05

HW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Phillips, J.O.) ATTORNEY DOCKET: 04242373
SERIAL NO.: 10/795860)
FILED: July 12, 2004) GROUP ART UNIT: 1614
TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND)
METHOD OF USING SAME
DATE: September 20, 2005 CUSTOMER NO.: 26565

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"Express Mail" mailing label No.EV548619012US. Date of Deposit: September 20, 2005. I hereby certify that this paper (and its recited enclosures) or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on-the date indicated above and is addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


(signature of person mailing paper or fee)

Timothy M. Hubalik
(typed name of person mailing paper or fee)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08B form. This Information Disclosure Statement is being filed before the first Office Action on the merits; and therefore the Applicant believes no fee is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each of all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not

constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,



David B. Fournier
Reg. No. 51,696

Date: September 20, 2005

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Substitute for form 1449/PTO

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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Complete if Known	
Application Number	10/795860
Filing Date	July 12, 2004
First Named Inventor	Phillips
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	04242373

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		6,780,882	08/24/2004	Phillips	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0584588	08/03/1993	Nippon Chemiphar Co., Ltd.		

NON PATENT LITERATURE

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		<i>Request for Ex Parte Reexamination Transmittal Form; Request for Reexamination under 35 USC 302-307 and 37 CFR 1.510 of U.S. Patent No. 6,699,885 filed with the U.S. Patent Office on August 22, 2005, including its Exhibits A, B, B1-9 and C</i>
		<i>M. Horowitz, et al., The Effect of Omeprazole on Gastric Emptying in Patients with Duodenal Ulcer Disease, 18 Br. J. Clin Pharmac. 791-794 (1984)</i>
		<i>Martindale The Extra Pharmacopeia, Twenty-ninth Edition, Edited by James E.F. Reynolds, London, The Pharmaceutical Press (1989).</i>

CHDB01 1262652.1 24-Feb-05 16:37

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 601.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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